declare that Congress has gone too far? Surely only on the ground that the Constitution has declared otherwise or has deprived Congress of such legislative power. It is submitted that a constitutional provision declaring the scope of judicial power cannot in good sense be construed as a limitation upon the powers of Congress, except as to jurisdiction so granted by the Constitution. The court says maritime law must be uniform. But the Constitution certainly does not say so. It is not like bankruptcy laws, which are specifically required to be uniform. If, then, Congress thinks there is no compelling reason for uniformity on the matter of Compensation Laws and the court thinks there is, which should prevail? That the court may declare invalid laws of Congress which are in conflict with the Constitution cannot be denied since *Marbury* v. *Madison,* 1 Cranch 137. The principal case, however, is a most glaring instance of the court arrogating unto itself the power to review the *wisdom* of an act of Congress. It is submitted that the decision is not only unsound but is vicious. In the opinion of the court Mr. Justice McReynolds makes some obscure statements indicating that the action of Congress was invalid in that there was a delegation of power to the states. In his dissenting opinion Mr. Justice Holmes fully exposes the fallacy of this position. It was not a case of delegation but of adoption of state law making it for the purpose federal law. This has often been done. See opinion of Mr. Justice Curtis in *Cooley* v. *Board of Wardens,* 12 How. 299, on this general problem.

CONSTITUTIONAL LAW—ORDINANCE PROHIBITING DISPLAY OF FLAG OF ORGANIZATION ANTAGONISTIC TO FORM OF GOVERNMENT—UNCONSTITUTIONAL.—In petition for writ of habeas corpus, petitioner had been convicted for violation of an ordinance of Los Angeles which made it unlawful for any person to display or cause or permit to be displayed, publicly or privately, any flag or device of any nature, representative of any nation, sovereignty or society, which, in its purposes, practices, official declarations, or by its constitution, by-laws, or regulations, espouses for the government of the people of the United States principles or theories of government antagonistic to the Constitution and laws of the United States or to the form of government thereof as now constituted. *Held,* such ordinance invalid and unconstitutional in so far as it prohibits inhabitants of the United States from advocating peaceable changes in our Constitution, laws or form of government, though such change may be based on principles antagonistic to those which now serve as their basis. *Ex parte Hartman* (Cal., 1920), 188 Pac. 548.

Obviously, the court considers the above ordinance as an infringement of personal liberty, within the prohibition of the Fourteenth Amendment, though in fact it refers to no specific constitutional provision, nor does it cite any authority; it seems much impressed with the suggestion that the display of a symbol representing some organization proposing such a step as recall of members of Congress would come within the prohibition of such an ordinance, since it would be, to a certain extent, the court says, antagonistic to our present form of government. In *Com.* v. *Karvonen,* 219 Mass.

30, an ordinance prohibiting the carrying of any red or black flag in parades, etc., was upheld and declared not to be an infringement of personal liberty under either the federal or state constitutions, but a legitimate regulation thereof within the state's police power, as such symbol tended naturally to produce turbulence and disorder. The ordinance in the principal case is, of course, broader than the above in its terms, and may be distinguished on this ground. It is believed that on the weight of reason (authority directly in point being apparently entirely wanting) the decision is correct. As an example, it has often been seriously urged that this country should have a cabinet which would be responsible for its actions to the electorate of the nation. If an organization were to be formed to promote this step, and should chance to adopt and use some symbol as representative thereof, this would clearly come within the prohibition of such a measure. It cannot be felt that such restrictions are in keeping with our conceptions of personal liberty. For a general discussion of political crimes, see 18 MICH. L. REV. 30 (November, 1919), though not bearing directly on this question.

CONTRACT OF EMPLOYMENT—RESTRAINT OF TRADE—ENFORCEABILITY OF FILM ACTOR'S AGREEMENT TO REFRAIN FROM USING PSEUDONYM.—The plaintiffs, film producers, employed the defendant as a film actor by a contract requiring him to act under the pseudonym, "Stewart Rome." It was provided that this pseudonym should be the sole property of the plaintiffs, and that on the termination of the employment the defendant should have no right to use it for any purpose whatsoever, and that he should refrain from acting in any capacity for new employers unless and until the latter should agree in writing not to announce or advertise his performance under this pseudonym. The defendant, owing partly to his ability and partly to the plaintiffs' advertisements, acquired a wide reputation under the pseudonym, and his professional identity became so merged in it that the market value of his services without it would, for the time being at least, have been diminished by more than fifty per cent. Two years after the termination of the contract, defendant made an engagement to act under the pseudonym for rival producers, whereupon plaintiffs brought an action for an injunction. *Held,* that the contract was not enforceable because in partial restrain of trade and not, in the circumstances, reasonably required for the protection of the employer. *Hepworth Manufacturing Co.* v. *Ryott,* L. R. [1920], 1 Ch. 1.

To the argument that the contract in question is not in restraint of trade for the reason that under it the defendant is left free to employ his talents as and where he will, in his own name or under any pseudonym other than that of "Stewart Rome," the court answered that the name, "Stewart Rome," had become as much a part of the defendant's professional equipment as his skill and ability, and that to deprive him of this item of equipment is to restrain his freedom of action in trade. Since there was nothing to indicate that the enforcement of this obligation was reasonably necessary to secure to the plaintiffs all the benefits to which they were entitled in relation to the